



# U.S. DEPARTMENT of STATE

## Andorra

### Country Reports on Human Rights Practices - [2004](#)

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Andorra is a constitutional parliamentary democracy. Two Princes--the President of France and the Catholic Bishop of Seu d'Urgell Spain--serve with joint authority as heads of state, and a delegate represented each in the country. Elections in 2001 chose 28 members of the "Consell General", (the Parliament) which selects the head of government. The judiciary is independent.

The country has no defense force and depends on Spain and France for external defense. Civilian authorities maintained effective control of the national police, who had sole responsibility for internal security. There were no reports that security forces committed human rights abuses.

France and Spain influenced the country's market-based economy significantly. The country had a population of approximately 72,000. Commerce and tourism were the main sources of income. The rate of economic growth was 3.22 percent and wages increased in both the public and private sectors twice a year to offset inflation.

The Government generally respected the human rights of its citizens, and the law and the judiciary provided effective means of dealing with individual instances of abuse. Prolonged pretrial detention occurred. Violence against women declined; however, violence against children was a growing problem. Some immigrant workers complained that they did not have the same labor rights and security as citizens in practice, despite legal protections.

## RESPECT FOR HUMAN RIGHTS

### Section 1

#### Respect for the Integrity of the Person, Including

##### Freedom From:

##### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life by the Government or its agents.

##### b. Disappearance

There were no reports of politically motivated disappearances.

##### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reports that government officials employed them. The country is party to a network of 47 States with prisoner transfer agreements, and qualifying prisoners were permitted to serve their sentences in their own country.

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers.

Men and women were held separately, as were juveniles from adults. Pretrial detainees also were held separately from convicted criminals.

##### d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The police are organized into four areas: public security, technical support, borders and traffic, and crime. Corruption was not a problem; however, if corruption or serious irregularities were discovered, then disciplinary proceedings were initiated. Police received training in and outside Europe. Police responded promptly and effectively to incidents involving violence.

Police may legally detain persons for 48 hours without charging them with a crime. Warrants are required for arrest. The law does not provide individuals under arrest immediate access to an attorney. Legislation provides for legal assistance beginning 25 hours after the time of arrest. There was a system of bail.

Lengthy pretrial detention occurred; the Ombudsman criticized the long period of detention for persons awaiting trial.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The highest judicial body is the five-member Superior Council of Justice. One member each is appointed by the two Princes; the head of government; the President of the Parliament; and collectively, members of the lower courts. Members of the judiciary are appointed for 6-year terms.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants have the right to present evidence and consult with an attorney. Defendants enjoy a presumption of innocence, and they have the right to appeal.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

### Section 2

#### Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice and did not restrict academic freedom. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

##### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice.

##### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution acknowledges a special relationship between the Roman Catholic Church and the State, "in accordance with Andorran tradition." The Catholic Church received no direct subsidies from the Government.

The Government paid the salaries of teachers who taught optional Catholic religious classes to students in public schools; the Catholic Church provided the teachers for these classes.

During the year, the small Jewish community living in the country did not suffer any violent acts, nor was it the target of any terrorist organization.

For a more detailed discussion see the [2004 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2004/41667.htm).

##### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

The Constitution prohibits forced exile, and the Government did not employ it.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has not established a system for providing protection to refugees. However, in practice, the Government provided some protection against refoulement, the return of persons to a country where they feared persecution. The Government did not grant refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

### Section 3

#### Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Parliamentary elections in 2001, considered free and fair, allowed the Andorran Liberal Party (the head of the Government's party) to retain its absolute majority, winning 15 of the 28 seats in Parliament. The Andorran Democrat Center Party and the Social Democratic Party won five and six seats respectively. A local group won two seats.

There were 4 women in the 28-seat Parliament, and 3 women held Cabinet-level positions. There were no members of minorities in the 28-seat Parliament, and there were no minorities in the Cabinet.

### Section 4

#### Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

An Ombudsman received and addressed complaints, some of which were against the Government's policies. The Ombudsman was free of government control and had good cooperation with the Government.

### Section 5

#### Discrimination, Societal Abuse, and Trafficking in Persons

The Constitution declares that all persons are equal before the law and prohibits discrimination on grounds of birth, race, sex, origin, opinions, or any other personal or social condition, although the law grants many rights and privileges exclusively to citizens.

#### Women

There were reports that violence against women; however, they decreased by 50 percent from 2003, according to the Andorran International Association (AIA) and the Andorran Women's Association (AAW). There were approximately 20 reports of physical abuse against women compared to 40 in 2003. Women suffering from domestic violence requested help from the AIA and the AAW but rarely filed a complaint with the police for fear of reprisal. There is no specific legislation regarding violence against women, although other laws may be applied in such cases. Some complaints were reportedly filed with the police during the year but no figures were available, as the police refused to make figures public.

The law prohibits rape, including spousal rape, and forcible sexual assault, which are punishable by up to 15 years imprisonment. The law was effectively enforced in practice.

Sexual harassment is not prohibited; however, it was not a problem.

The law prohibits discrimination against women privately or professionally; however, the AAW reported that in practice, there were many cases of women dismissed from employment due to pregnancy. Women did not earn equal pay for equal work; observers estimated that women earned 25 percent less than men for comparable work although this gap continued to decrease slowly.

#### Children

The Government was committed to children's welfare and provided a universal system of health care and education. Free, universal public education began at age 4 and was compulsory until age 16. The Government provided free nursery schools, although their number continued to be insufficient.

According to the Secretariat of State for the Family, the number of cases was low; however, child abuse was a growing problem.

On July 10, the Parliament enacted a law to protect children in danger.

#### Trafficking in Persons.

The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

#### Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. The law mandates access to public buildings for persons with disabilities, and the Government generally enforced these provisions in practice; however, societal discrimination against persons with disabilities existed on a small scale, in the form of social and cultural barriers.

#### National/Racial/Ethnic Minorities

Some immigrant workers complained that they did not have the same labor rights as citizens (see Section 6.e.). The law gives legal status to the approximately 7,000 immigrants working in the country with no work permits or residence permits.

### Section 6 Worker Rights

#### a. The Right of Association

The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised these rights in practice. Antiunion discrimination is not prohibited under the law; however, there were no reports of such discrimination during the year.

#### b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the Government protected this right in practice. There is no law that specifically provides for collective bargaining. Wages are determined by the annual cost of living. Neither the Constitution nor the law explicitly provides for the right to strike, and there were no strikes during the year. There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The law does not prohibit forced and compulsory labor, including by children; however, there were no reports that such practices occurred.

#### d. Prohibition of Child Labor and Minimum Age for Employment

Children under the age of 18 generally were prohibited from working, except in very limited circumstances. The Labor Inspection Office in the Ministry of Social Welfare, Public Health, and Labor was responsible for enforcing child labor regulations and effectively enforced them.

#### e. Acceptable Conditions of Work

The official minimum wage of \$6.83 (5.06 euros) per hour and \$1,095 (811 euros) per month did not provide a decent standard of living for a worker and family. The Labor Inspection Office enforced the minimum wage.

The workweek was limited to 40 hours, although employers may require overtime from workers. The legal maximum for overtime hours was 66 hours per month and 426 hours per year.

The Labor Inspection Service set occupational health and safety standards and took the necessary steps to see that they were enforced. During the year, the Labor Inspection Service filed approximately 200 complaints against companies for violating labor regulations, and it had the authority to levy sanctions and fines against such companies. Although the law authorizes employees to refuse certain tasks if their employers do not provide the necessary level of protection, no legislation grants workers the right to remove themselves from dangerous work situations without jeopardizing their continued employment.

Although the Constitution provides that legal foreign residents are to enjoy the same rights and freedoms as citizens, some immigrant workers believed that they did not have the same rights and security. Many immigrant workers held only "temporary

work authorizations." When a job contract expired, they had to leave the country. The Government prohibited the issuance of work permits unless workers could demonstrate that they had a fixed address and at least minimally satisfactory living conditions.